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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,579	12/03/2003	Poh C. Chua	BS99-219-CON	3455

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,579

Applicant(s)

CHUA ET AL.

Examiner

Jean A. Gelin

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44,45,48-52,55-58 and 63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44,45,48-52,55-58 and 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/12/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the Applicant's arguments and amendments in which claims 44, 48, 51, 56, 57, and 58 have been amended, and claims 46, 47, 53, 54, and 59-62 have been canceled. Claims 44, 45, 48-52, 55-58, and 63 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 44, 45, 48-52, 55-58, and 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto (US 2002/0142803).

Regarding claims 44, 51, and 56, Yamamoto teaches a method for operating wireless devices in vehicles (sections 18-20) comprising: monitoring a relationship between a wireless device and a vehicle (sections 18-20, 48) by evaluating location information that specifies a location of the wireless device, that specifies a location of the vehicle, and that is generated by a location system to determine the relationship by comparing the location of the wireless device to

Art Unit: 2617

the location of the vehicle (i.e., the system measures when the MS is in the range of ca audio device in order to activate the hands-free mode, inherently location of the MS with respect to the car audio device be known prior to establish the BT radio link with the car device, sections 48, 59, 65, and 68); and enabling operation of the wireless device in a hands-free mode if the relationship satisfies a condition (i.e., when the mobile is in the vehicle, information can be transmitted in hands-free mode without making any operation, section 48).

Regarding claims 45, 60, Yamamoto teaches wherein the relationship indicates that the device is located within the vehicle (section 48)

Regarding claim 48, Yamamoto teaches comprises measuring a signal strength transmitted by the wireless device by a transceiver associated with the vehicle in addition to evaluation of location (for detection when to connect or disconnect the MS to AS, sections 58-59, determination when to assign the BT radio link to the car audio device is base on the location of the MS with respect to the car audio device, section 48).

Regarding claims 49, and 63, Yamamoto teaches wherein the wireless device is a wireless telephone (MS is mobile telephone, section 48).

Regarding claim 50, Yamamoto teaches wherein the enabling operation of the wireless device in a hands-free mode is performed by the wireless device (section 48).

Regarding claims 52, 57, Yamamoto teaches wherein the determining is performed by a geonavigational positioning system (section 0094-0097).

Art Unit: 2617

Regarding claim 55, Yamamoto teaches wherein the enabling is performed by a microprocessor that controls the wireless telephone (sections 13 and 48).

Regarding claim 58, Yamamoto teaches wherein at least one of the location systems is a GPS receiver (sections 94-95, 103).

Response to Arguments

4. Applicant's arguments filed 1/12/06 have been fully considered but they are not persuasive.

The Applicant argues that Yamamoto discloses that the communications device being brought into range of the communication system of the vehicle results in the communication device and the communications system establishing a communication link which can result in the communication device entering a hands-free mode. The Applicant further argues that two communications devices coming into range of one another to thereby establish a communication link is NOT determining a location of each of the communications devices and comparing those locations. However, the Examiner disagrees with the preceding arguments. When the MS enters a BT radio area formed by a car audio device, the BT connection control function executes procedures for establishing radio link with the audio device, inherently these procedures include the determination of distance between the MS and the audio device in car in order to establish the BT radio link with the car audio device (AS) when the MS is in the proximity of the AS, and activate the hands-free mode of the MS. Clearly the hands-free is

Art Unit: 2617

activate based on the location of the MS with respect to the car audio device.

Therefore, the previous rejection is maintained.

5. The reply filed on 1/12/06 is not fully responsive to the prior Office Action because of the Applicant did not respond to the Double Patenting. Therefore, the Double Patenting rejection is remained, and the office action is final

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Flick

US 6,784,809

08/31/2004

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks-Harold Marsha can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEAN GELIN
PRIMARY EXAMINER

JGelin
April 19, 2006

A handwritten signature in cursive script that reads "jean Allard Gelin". The signature is written in black ink and is positioned to the right of the typed name and title.